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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,497	10/16/2001	Colin Andrew Low	30004640-2	1504

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EXAMINER

SALL, EL HADJI MALICK

ART UNIT	PAPER NUMBER
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2457

NOTIFICATION DATE	DELIVERY MODE
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03/28/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/977,497	LOW ET AL.	
	Examiner	Art Unit	
	EL HADJI SALL	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the amendment filed on December 28, 2010. Claims 1-20 are pending. Claims 1-20 are pending. Claims 1-20 represent inviting assistant entity into a network communication session.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owen et al. U.S. 6,611,501 in view of Eichstaedt et al. U.S. 7,069,304.

Owen teaches the invention substantially as claimed including process management system (see abstract).

As to claims 1 and 17, Owen teaches a service system comprising:

A session entity for establishing communication sessions and controlling the joining of endpoint entities to each such session (column 12, lines 4-6);

A transport entity for establishing a transport mechanism for each session established by the session entity, the transport mechanism allowing the exchange of data across a network between endpoint entities joined to the session (figure 2, item 901);

request-reception means configured to receive a request from a first endpoint entity already joined to a session and constituted by a party having an endpoint system connected to the network, the request serving to request the presence of an assistant entity in the session and directly or indirectly indicating the identity of the existing communication session, wherein the assistant entity is configured to assist the first endpoint entity with a property of the existing communication session (column 12, lines 9-15);

context-determination means (services providing a context for relating activities) (column 10, lines 49-59) configured to determine a context of an existing communication session between endpoint entities based upon context data concerning the existing communication session (column 10, line 49 to column 11, lines 61); and

assistant-selection means configured to be responsive to the receipt of a said request by the request-reception means to select an appropriate assistant entity from a group of possible assistant entities of the existing communication session, the assistant-selection means being operative to cause the session entity to join the selected assistant entity to the session (column 12, lines 4-15, Owen discloses each user has a user agent 107 representing and acting on behalf of the user. An “appropriate” user agent receives requests from users to establish service sessions; column 13, lines 15-20; column 27, lines 11-12).

Owen fails to teach explicitly selecting based upon the determined context.

However, Eichstaedt teaches customizable web filler for alleviation of network latency and delay. Eichstaedt teaches selecting based upon the determined context.

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(column 3, lines 9-11, Eichstaedt discloses selecting based on predetermined criteria, such as the context of the user's session).

It would have been obvious to one of ordinary skill in the art at the time the invention was to modify Owen in view of Eichstaedt to provide selecting based upon the determined context in order to provide a web filler to promote web sites, therefore allowing e-commerce activities (column 2, lines 15-18).

As to claims 2 and 18, Owen teaches a method and a service system according to claims 1 and 17, wherein the assistant entity is a customer service representative and associated endpoint system (figure 5).

As to claims 3 and 19, Owen teaches a method and a service system according to claims 1 and 17, wherein the assistant entity is a software-based entity with an associated knowledge base (column 5, lines 59-62).

As to claims 7, 14 and 15, Owen teaches a method according to claims 1 and 7, wherein the service system, in setting up a communication session, creates a service-session functional entity which in the course of joining a said endpoint entity to the session, sends connection details of the transport mechanism associated with the communication session to the endpoint entity or its proxy, that endpoint entity or its proxy then using the connection details to connect itself to the transport mechanism (column 11, lines 22-23; column 12, lines 4-15).

As to claims 8 and 9, Owen teaches a method according to any one of claims 7 and 1, wherein the service system, in setting up a communication session, creates a service-session functional entity that comprises a session instance with generic behaviour for adding and removing endpoint entities to the communication session and for recording the endpoint entities currently joined to the communication session, and an associated service instance with service-specific behaviour determining when the session instance is to add and remove endpoint entities (column 10, line 66 to column 11, line 3; column 11, lines 22-23; column 12, lines 6-7).

As to claim 10, Owen teaches a method according to claim 1, wherein the transport mechanism associated with a communication session provides multiple data transfer channels, for different media types, between endpoint entities joined to the communication session (column 10, lines 34-38; figure 3).

As to claim 12, Owen teaches a method according to claim 7, wherein the transport mechanism associated with a communication session provides multiple data transfer channels, for different media types between endpoint entities joined to the communication session, the connection details passed to a said endpoint entity or its proxy comprising details of the media channels associated with the communication session, and the endpoint entity or its proxy using these details to establish

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corresponding media channel connections to the transport mechanism (column 10, lines 34-38; figure 3).

As to claim 13, Owen teaches a method according to claim 7, wherein the state of connection of a said endpoint entity to the transport mechanism is signaled to the session-service functional entity by leg messages passed between a leg controller of the endpoint entity or its proxy and a corresponding leg controller of the service-session functional entity (column 10, lines 23-32).

3. Claims 4-6, 11, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owen et al. U.S. 6,611,501 in view of Eichstaedt et al. U.S. 7,069,304, further in view of Brown et al. U.S. 6,385,646.

Owen teaches the invention substantially as claimed including process management system (see abstract).

As to claim 4, Owen and Eichstaedt teach a method according to claim 1.

Owen and Eichstaedt fail to teach explicitly wherein the data network is the internet, and the existing session has multiple parties connected to it through web browser functionality of associated endpoint systems, the service system providing

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follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session.

However, Brown teaches method and system for establishing vice communications in an Internet environment. Brown teaches the data network is the internet, and the existing session has multiple parties connected to it through web browser functionality of associated endpoint systems, the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session (column 9, lines 5-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen and Eichstaedt in view of Brown to provide the existing session has multiple parties connected to it through web browser functionality of associated endpoint systems, the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session. One would be motivated to do so to allow a combined marketing approach using the Web and call centers (abstract).

As to claims 5 and 6, Owen and Eichstaedt teach a method according to claims 4 and 1.

Owen and Eichstaedt fail to teach explicitly the context of the existing communication session comprises the subject of a web page currently being jointly browsed by the parties joined to the session service; and wherein in step (a) the first

party uses an active feature of a web page served by the service system to request that a assistant entity join the session.

However, Brown teaches the context of the existing communication session comprises the subject of a web page currently being jointly browsed by the parties joined to the session service; and wherein in step (a) the first party uses an active feature of a web page served by the service system to request that a assistant entity join the session (column 3, lines 61-65; column 14, lines 37-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen and Eichstaedt in view of Brown to provide the context of the existing communication session comprises the subject of a web page currently being jointly browsed by the parties joined to the session service; and wherein in step (a) the first party uses an active feature of a web page served by the service system to request that a assistant entity join the session. One would be motivated to do so to allow the interactive between the customer and the agent be done quickly and efficiently.

As to claim 11, Owen and Eichstaedt teach a method according to claim 10, wherein the endpoint entities include transport mechanism provides channels for packetized voice (column 9, lines 28-31).

Owen and Eichstaedt fail to teach explicitly wherein the endpoint entities include web browser functionality and the service system provides functionality follow-me page-push.

However, Brown teaches the endpoint entities include web browser functionality and the service system provides functionality follow-me page-push (column 7, lines 34-39, Brown discloses an example of transmitting information from agent to user involves a "page-push" operation, where the call center agent presents information in the form of a Web page to the user's Web browser).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen and Eichstaedt in view of Brown to provide wherein the endpoint entities include web browser functionality and the service system provides functionality, and the transport mechanism provides channels, for at least two of the following: text chat; follow-me page-push; packetized voice. One would be motivated to do so to allow a combined marketing approach using the Web and call centers (abstract).

As to claim 16, Owen and Eichstaedt teach a method according to claim 15.

Owen and Eichstaedt fail to teach the connection details and functionality are sent in association with a web page served by the service system.

However, Brown teaches the connection details and functionality are sent in association with a web page served by the service system (column 3, lines 61-65, Brown teaches When an Internet user clicks a button to connect to an agent, a call is connected from the agent to the user and the agent can view the Web page that a user is viewing (as well as account data and information about the user's prior interaction with the Web page); column 14, lines 37-40, Brown discloses based on the whisper

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code, sending an audio message to the call center, the audio message relating to at least one of an identity of the user and details of the interactive communication session).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen and Eichstaedt in view of Brown to provide the connection details and functionality are sent in association with a web page served by the service system. One would be motivated to do so to allow calls to be routed to selected call centers.

As to claim 20, Owen and Eichstaedt teach a service system according to claim 17.

Owen and Eichstaedt fails to teach the network is the Internet and the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session.

However, Brown teaches the network is the Internet and the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session (column 9, lines 5-9; column 7, lines 34-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen and Eichstaedt in view of Brown to provide the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session. One would be

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motivated to do so to allow a combined marketing approach using the Web and call centers (abstract).

Response to Arguments

4. Applicant's arguments filed 12/28/10 have been fully considered but they are not persuasive.

(A) Applicant argues that because the Office Action has admitted that Owen does not teach or suggest the claimed assistant entity, it is understood that Owen also does not teach or suggest wherein the assistant entity is configured to assist the first endpoint entity with a property of the existing communication system.

regards to point (A), examiner respectfully disagrees.

The Office did not admit in any place in the Office Action that Owen does not teach or suggest the claimed assistant entity. Such Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

(B) Applicant argues that Owen does not teach or suggest selecting, by the service system, an appropriate assistant entity from a group of assistant entities based upon the determined context of the existing communication session.

regards to point (B), examiner respectfully disagrees.

Such limitation was rejected .in part by Owen and in part by the combination of Owen in view of Eichstaedt. Owen teaches substantially all the claimed invention except

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"selecting based upon the determined context", which Eichstaedt discloses selecting based on predetermined criteria, such as the context of the user's session (column 3, lines 9-11). One would be motivated to do so to provide a web filler to promote web sites, therefore allowing e-commerce activities (column 2, lines 15-18).

(C) Applicant argues that Eichstaedt is silent with regard to an assistant entity and the Examiner does not point to any teaching or suggestion of Eichstaedt of an assistant entity.

regards to point (C), examiner respectfully disagrees.

Eichstaedt was not used to address such feature in the rejection as clearly shown on page 4 of the Office Action.

(D) Applicant argues that for at least the foregoing reasons, it is respectfully submitted that the references, considered individually or in combination as suggested in the Office Action fails to render claims 4-6, 11, 16, and 20 *prima facie* obvious.

regards to point (D), examiner respectfully disagrees.

In response to applicant's argument that the references, considered individually or in combination as suggested in the Office Action fails to render claims 4-6, 11, 16, and 20 *prima facie* obvious, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one

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of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, one would be motivated to do so to allow a combined marketing approach using the Web and call centers (abstract).

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/El Hadji M Sall/

Examiner, Art Unit 2457

/Ramy M Osman/

Primary Examiner, Art Unit 2457